

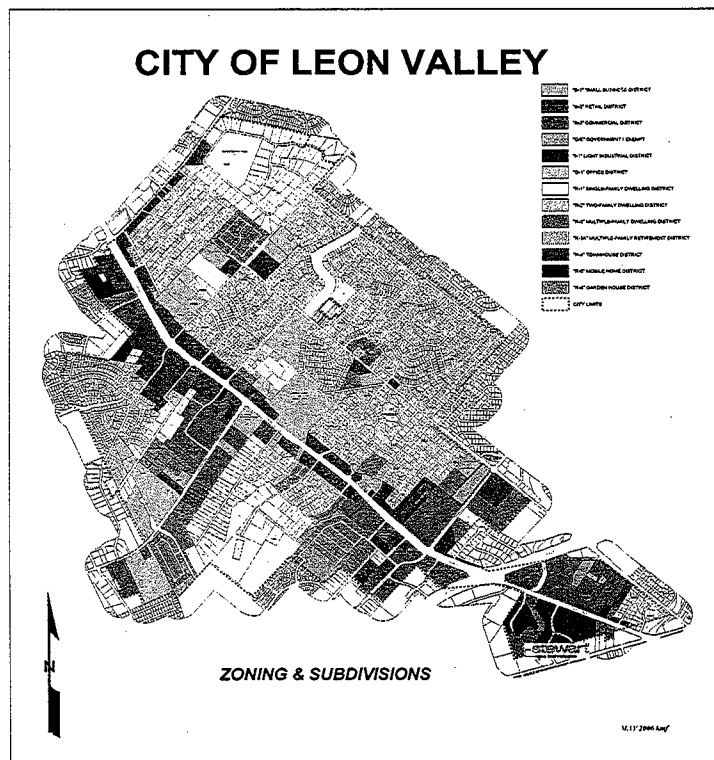
LEON VALLEY

T E X A S

SMALL TOWN HOSPITALITY. BIG CITY ADVANTAGES.

2007 Zoning Ordinance – Chapter 30

Repealed and Replaced w/Amendments: November 21, 2006
Codified: March 6, 2007



Zoning Code Updates

September 21, 1965
January 18, 1972
February 19, 1985
February 7, 1989

November 3, 1993-effective-May 3, 1994
June 6, 1994 to add enabling caption
January 3, 1995 to add changes
February 22, 1999 repealed & replaced

ORD. NO. 07- 013

AN ORDINANCE

**AN ORDINANCE AMENDING CITY CODE CHAPTER 30 "ZONING"
SECTION 30.202, "DEFINITIONS", ADDING DEFINITIONS AND
CODIFYING AMENDMENTS TO THE CODE**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON
VALLEY, TEXAS, THAT:**

THAT CHAPTER 30 "ZONING" OF THE CITY CODE IS HEREBY REVISED AS FOLLOWS:

1. Amend Chapter 30 of the Leon Valley City Code, "Zoning", Section 30.202, "Definitions" by adding the following definitions:

"Pet Store: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, pigs, and poultry"

"Convenience Store: Any retail establishment which offers the sale of a limited line of convenience goods, to include groceries, packaged and/or processed food and drink, tobacco, limited wine and beer, medicines and cosmetics, and may also sell gasoline, intended for the convenience of the neighborhood."

2. Codify above definitions as amendments to City Code Chapter 30 "ZONING" which will hereby read as follows:

"CHAPTER 30 ZONING

Ord No. 07-013

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30.100 GENERAL

30.101 TITLE

These regulations shall be known as Chapter 30 of the City Code of Leon Valley, Texas and will be referred to herein as "this Chapter."

30.102 PURPOSE AND EFFECT

a. The zoning regulations and districts as herein established have been made in accordance with a Comprehensive Master Plan for the purpose of promoting health, safety, morals and the general welfare of the community by controlling the design, location, use or occupancy of all buildings through regulated and orderly development of land and land uses within this jurisdiction.

b. The zoning regulations are intended to be in compliance with the Americans with Disability Act and the Fair Housing Act. Any portion of this Chapter in conflict with either of the referenced Acts is unintentional and shall be overridden by that Act or Acts, to the extent of such conflict.

c. In fulfilling these purposes, this Chapter is intended to benefit the public as a whole and not any specific person or class of persons.

d. This chapter shall be reviewed and amended periodically, as directed by the City Council.

30.103 SCOPE

a. The provisions of this Chapter shall apply to the construction, alteration, moving, repair and use of any building or parcel of land within this jurisdiction.

b. Where, in any specific case, different sections of this Chapter specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

c. The provisions of this Chapter shall not apply to property belonging to the City; or to property used to provide public utilities; or work located primarily in or on a public way, public utility towers and poles, or public utility easements, unless specifically mentioned in this Chapter; provided that in the erection of buildings or other structures, the City and utility companies shall attempt to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the district in which they are being erected.

d. If any portion of this Chapter is held invalid for any reason, the remaining portions herein shall not be thereby affected.

30.104 COMPLIANCE

Except as provided in this Chapter, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located; no building shall be erected, reconstructed or structurally altered to exceed the height or bulk limit herein established for the district in which such building is located; no lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Chapter, nor shall the yard or open spaces provided about any building for the purpose of complying with the provisions of this Chapter be considered as providing a yard or open spaces for any other building.

30.105 PENALTIES FOR VIOLATIONS

Each violation of this Chapter shall be punishable by a fine of not less than five dollars (\$5.00), nor more than two thousand dollars (\$2,000.00), unless some other fine is specifically prescribed for a particular violation. Each day any violation occurs or continues to occur shall be considered a separate offense.

30.106 ADOPTION OF LEGISLATIVE GRANT OF POWER

Texas Local Government Code, Chapter 211, is hereby adopted, and the provisions of this ordinance are adopted in the exercise of power granted to municipalities by such statutes and pursuant to any and all other applicable laws.

30.200 RULES OF CONSTRUCTION, DEFINITIONS AND ADMINISTRATION

30.201 WORDS AND PHRASES, RULES OF CONSTRUCTION

- (1) Words, phrases and terms defined in this Chapter shall be given the defined meaning.
- (2) Words, phrases and terms not defined in this Chapter but defined in the Building Code found in Chapter 6 of the Leon Valley City Code "this Code", shall be construed as defined in the Building Code.
- (3) Words, phrases and terms defined neither in this Chapter nor in the Building Code adopted in Chapter 6, shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

(4) The text of this Chapter shall control captions, titles and maps.

(5) The word "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory.

(6) Words used in the singular include the plural, and words used in the plural include the singular.

(7) Words used in the present tense include the future tense, and words used in the future tense include the present tense.

30.202 DEFINITIONS

ACCESSORY: An object or device not essential in itself, but adding to the beauty, convenience or effectiveness of another item.

ACCESSORY BUILDING: A subordinate structure attached to or detached from the main building.

ACCESSORY USE: A use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to, and found in connection with, such primary use. See also, INCIDENTAL USE.

ADULT ENTERTAINMENT ESTABLISHMENT: An establishment consisting of, including, or having the characteristics listed in Chapter 34 of the Leon Valley Code.

AGRICULTURE: The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: the tilling of the soil, raising of crops, animals, fowl, horticulture, gardening, beekeeping and aquaculture.

AGRONOMY: The science and management of field-crop production and soil management and soil conservation.

ALLEY: Minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back of properties otherwise abutting on a street. An alley affords only a secondary means of access to property abutting thereon.

ALTERATION: Any change, addition or modification in construction, occupancy or use.

ALTERATION, APPAREL: Any change, addition or modification to material, fabric, or style used for clothing, garments, attire, or accessories.

ALTERNATIVE TOWER STRUCTURE: Either a primary or an accessory use on any developed parcel including clock towers, bell steeples, light poles, and similar alternative antenna mounting structures, except for residential structures.

AMUSEMENT CENTER: A facility used by the general public containing four or more games or game devices used for indoor and/or outdoor entertainment but not to include gambling or gambling devices prohibited by law. Also see ENTERTAINMENT-INDOOR/OUTDOOR.

ANIMAL CLINIC: A place where animals are given medical care, and the boarding of the animals is limited to short-term care incidental to the hospital use.

ANIMAL SHELTER: Any profit or nonprofit business, the primary use of which is the provision of lodging or shelter to animals. Also see VETERINARY CLINIC.

ANTENNA: Any exterior apparatus designed for wireless radio, television, microwave or telephone communication through the sending and/or receiving of electromagnetic waves.

ANTENNA HEIGHT: The distance measured from ground level to the highest point on the structure, even if the highest point is an antenna.

ANTENNA, RECEIVE-ONLY ANTENNA/AMATEUR RADIO: Any tower or antenna that is under seventy (70) feet in height and is owned or operated by a federally licensed amateur radio station operator or is used exclusively for reception only, including local television broadcast reception antennas, direct broadcast satellite antennas or multichannel multipoint distribution services. Receive-only/amateur antennas are not subject to regulation under this chapter.

ANTENNA, TELECOMMUNICATIONS: An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennae less than 50 feet (150 meters) in height and whip antennae less than 4 inches (10 cm) in diameter and less than 10 feet (3 meters) in height.

APARTMENT: A single unit within an apartment house designed for independent housekeeping.

APARTMENT COMPLEX: Any structure, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three (3) or more apartments or which is occupied as the home or residence of three (3) or more families living independently of each other and maintaining separate kitchen facilities.

APPEAL: A procedure whereby a decision is questioned to a higher authority than the administrator or body which made the original decision. For example, a decision of a Zoning Administrator to the Board of Adjustment or a decision of the Board of Adjustment to a Court of Law.

APPLIANCE, MAJOR: A large device which is designed for household or office purposes, such as a refrigerator or air conditioner, the repair or maintenance of which involves the disposal, storage or use of a federally or state regulated chemical such as freon or large quantities of oil.

APPLIANCE, MINOR: A device which is designed for household or office-purposes, the repair or maintenance of which does not involve the disposal, storage, or use of any federally or state regulated chemical such as freon or large quantities of oil.

ASSEMBLY/PACKAGING: The fitting together and/or uniform wrapping or sealing of component parts to make a whole. This is commonly an intermediary step in the process to make a finished product and the products from which it is put together are generally not raw materials.

ATTENDED DONATION STATION: A manufactured building operated by an organization with non-profit status, for the purpose of collecting goods, with an attendant present on-site during collection hours.

ASSISTED LIVING FACILITY: A licensed establishment that furnishes food and shelter and provides personal care services which consist of assistance with one or more of the following: meals, dressing, movement, bathing, or other personal needs or maintenance. This may also include assistance, supervision, or administration of medication by a licensed individual.

AUTOMOBILE: A self-propelled free moving vehicle licensed by the appropriate state agency as a passenger vehicle, not to include commercial vehicles.

AUTOMOBILE AND BOAT STORAGE: Any location or structure used for long-term storage of automobiles, trucks, boats and/or recreational vehicles. Long-term shall mean for duration of one (1) week or more.

AUTOMOBILE SALES: The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, motorcycles or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

AUTOMOTIVE REPAIR OR HEAVY INSTALLATION: The repair of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul.

AWNING: A roof like cover extending over or before a place (as before a window) as a shelter, normally supported entirely from the exterior wall of a building.

BAR: Premises used primarily for the sale and/or dispensing of liquor by the drink for on-site consumption as regulated by the State and where food may be available for consumption on the premises as accessory to the principal use.

BASEMENT: That part of a building that is wholly or partly below ground level.

BED AND BREAKFAST FACILITY: A limited commercial activity, conducted within a structure, which may include dining and bathroom facilities with sleeping rooms for guest

lodging for a short-term period of less than 30 consecutive days. A bed and breakfast must be a secondary use to a single-family residence. Also see LODGING in the PERMITTED USE TABLE.

BLOCK: Land or a group of lots, whether developed or undeveloped, surrounded by streets or other rights-of-way, other than an alley; or land which is designated as a block on any recorded subdivision tract.

BOARDING HOUSE: A dwelling containing a single dwelling unit and not more than ten (10) guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one (1) week.

BOARDING HOME FOR SHELTERED CARE: A group home for the sheltered care of persons with special needs, which in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

BOARD OF ADJUSTMENT: The Leon Valley Board of Adjustment. A public and quasi-judicial agency charged with the duty to hear and determine zoning appeals and other specific duties as laid out in this Chapter and state law.

BOUNDARY STREET: A public street which is adjacent to and abutting one or more sides of the proposed site.

BUFFER ZONE: An area zoned so as to separate conflicting uses by zoning such property with a use which is compatible with both. For example, an office district might reasonably separate a single-family residential district from a commercial district. Dedicated park lands may shield a planned office development from nearby residential areas.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy. The word "building" includes the word "structure."

BUILDING, CONSTRUCTION: A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

BUILDING, FRONT OF: That part of a building nearest the front property line.

BUILDING, MAIN: A building in which the principal use of the site is conducted.

BUILDING, TEMPORARY: A structure which is designed or intended to be used on a nonpermanent basis, authorized for a specific period of time through a Specific Use Permit. Includes prefabricated structures and manufactured/mobile housing which are not used for living space.

BUILDING CODE: Chapter 6 of the Leon Valley City Code, which incorporates the International Building Code.

BUILDING CODE: The International Building Code, promulgated by the International Code Council and adopted by the City of Leon Valley.

BUILDING HEIGHT: The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING LINE, FRONT: A line established under this Chapter or Chapter 6 of the Leon Valley City Code measured from the perimeter of that portion of a building nearest the front property line to the curb line or edge of the sidewalk and parallel thereto, or in the case of a corner lot, the side of such building if also parallel to a curb line or edge of a sidewalk, but in any case such measurement shall exclude open steps, terraces, cornices and other ornamental features projecting from the wall of the building.

BUILDING LINE, REAR: A line established under this Chapter or Chapter 6 of the Leon Valley City Code measured from the perimeter of that portion of a building nearest the rear property line of such property. Such measurement shall exclude open steps, terraces, cornices and other ornamental features projecting from the wall of the building.

BUILDING LINE, SIDE: A line established under this Chapter or Chapter 6 of the Leon Valley City Code measured from the perimeter of that portion of a building nearest the side property line of such property. Such measurement shall exclude open steps, terraces, cornices and other ornamental features projecting from the wall of the building.

BUILDING PERMIT: Authorization required for erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, or demolition of any building.

BUILDING RESTRICTIONS: Regulations or restrictions under this Chapter or Chapter 6 of the Leon Valley City Code upon the materials allowed in the construction of buildings and any provisions of federal or state law, or other City of Leon Valley ordinances implanting the Federal Emergency Management Act or the duties of the City for floodplain regulation, applicable to the property.

BUILDING SPECIALTY STORE: Any retail facility, the primary use of which is the sale or lease of specialized building materials; such as roofing, tile, or doors.

CALIPER: The diameter of a tree trunk.

CANOPY: A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

CANOPY TREE: A self-supporting woody plant with one (1) well-defined trunk and a

distinct and definite formed crown, which attains a height of at least twenty-five (25) feet.

CARPORT: An open-sided automobile shelter sometimes formed by extension of a roof from the side of a building.

CARWASH, AUTOMATIC: A facility which utilizes automatic and semi-automatic machinery to wash, clean, and dry automobiles.

CARWASH, SELF-SERVICE: A facility for self-service washing, cleaning, and drying of automobiles that does not include automatic application of cleaner, brushes, rinse water, and heat or air for drying.

CHILD CARE FACILITY: An establishment for the care and/or instruction, whether or not for compensation, of six (6) or more children at any one time. Child nurseries and preschool facilities are included in this definition.

CHURCH: A facility for religious worship and related activities.

CITY: The City of Leon Valley, Bexar County, Texas.

CLINIC: A facility for the examination, assessment, or treatment of outpatients including any location where more than one (1) doctor shares a facility, regardless of whether there are laboratory facilities on-site.

COMMERCIAL: Relates to or is connected with trade and traffic or commerce in general; occupied with business and commerce.

COMMERCIAL, VEHICLE: Any motor vehicle including but not limited to delivery vans or trucks, trailers, or semi-trailers designed to carry freight, passengers for compensation, or merchandise for retail or commercial purposes and is appropriately licensed by a State agency.

COMMISSION: See ZONING COMMISSION.

COMMUNICATIONS DISTRIBUTION HUB: An unmanned facility, without transmitter or dish, or antenna, containing optical and electronic signal processing equipment for delivery, switching, and storage of video, audio, and data to homes served by the utility company.

COMPREHENSIVE (ZONING) PLAN: The adopted official statement of a legislative body of local government that sets forth in words, maps, illustrations, and/or tables the goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction. Also see MASTER PLAN.

CONDOMINIUM: A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE: Any building or portion thereof which contains facilities for living, sleeping and sanitation as required by this Code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, convalescent homes, assisted living, special care, nursing homes, or hotels.

CONTRACTOR: A builder, plumber, electrician, air conditioning/heating installer, concrete installer, or tradesman or one who contracts to supply materials or do work.

CONTRACTOR FACILITY: A facility which is used primarily for the office and/or vehicles, equipment and/or supplies of a contractor.

CONVALESCENT HOME: A licensed facility which is intended for long-term patient care due to human illness, infirmity, or disability and employing the services of skilled and licensed practitioners under the direction of a physician, licensed by the Texas Board of Medical Examiners.

CONVENIENCE STORE: Any retail establishment which offers the sale of a limited line of convenience goods, to include groceries, packaged and/or processed food and drink, tobacco, limited beer and wine, medicines and cosmetics, and may also sell gasoline, intended for the convenience of the neighborhood.

COTTAGE: An individual single-family dwelling unit, being less than 1500 heated square feet, situated with other similar dwelling units on one platted lot, for the purpose of rental or leasing, as part of a Multiple-Family Retirement Community.

CURB: A stone or concrete or alternative edge asphalt boundary usually marking the edge of a roadway or paved area. REFER to Chapter 24, "Subdivisions and Subdivision Plats," for further details.

CURB LINE: A line differentiating between the street and the edge of real property, marking the edge of the roadway, and contiguous to the roadway, not intended for normal vehicular traffic. Such property may include a berm, but may or may not be built up or raised.

DANCE HALL: An establishment intended primarily for dancing and entertainment within an enclosed building, using either live or electronically produced music, either open to the public or operated as a private club open to members only.

DENSITY: The number of dwelling units which are allowed on an area of land or the number of persons allowed in a specific unit.

DEPTH OF THE LOT: The linear measurement from the front property line to the rear property line of a lot.

DOCTOR: Any person under currently licensed by the State to practice any form of medicine or dentistry, including but not limited to, Medical, Dental Science, Dental Surgery, Osteopathy, Chiropractics, Public Health and Veterinary Medicine.

DRIP LINE: An imaginary line on the ground, at the furthest extension of the canopy around the circumference of a tree.

DRIVEWAY: A private road giving access from a public way to a building on abutting grounds.

DWELLING: A house or other structure in which a person or persons live; a residence; abode; habitation; an apartment or building, or group of buildings, occupied as a place of residence.

DWELLING, GARDEN HOUSE: A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy as a residence.

DWELLING, MANUFACTURED HOME: A vehicle, other than a motor vehicle, greater than 320 square feet in gross floor area designed with attached axles and wheels, which may be used for permanent or semi-permanent living space for humans, and which is designed to be drawn by a motor vehicle. The term shall not include any vehicle meeting the above description which is used for an office, a classroom, a laboratory, processing, manufacturing, retail sales or other use; see **BUILDING, TEMPORARY** for these definitions. Also see **MANUFACTURED HOUSING**.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof designed for occupancy by three (3) or more families living independently, in structures containing three (3) or more single-dwelling units in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

DWELLING, SINGLE-FAMILY: A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy as a residence.

DWELLING, TOWNHOUSE: A building that has single-family dwelling units erected in a row as a single building, on adjoining lots, each being separated from the adjoining unit or units by a fire wall, along the dividing lot line and each such building being separated from any other building by space on all sides.

DWELLING, TWO-FAMILY OR DUPLEX: A building designed or arranged to be occupied as two (2) separate residences, the structure having only two (2) dwelling units.

DWELLING UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this Chapter, for not more than one (1) family, or a congregate residence for six (6) or less persons.

EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above said lot or lots.

EIA – 222: Electronics Industries Association Standard 222, "Structural Standards for Steel Antenna Towers and Antennae Support Structures."

ENCROACHMENT, LANDSCAPE: Any protrusion of a vehicle into a landscaped area from a parking space, display area or access way.

ENTERTAINMENT: To provide for diversion, engagement, or sporting activities, specifically excluding music which is not live, and is provided for the purpose of background and not for diversion from the primary purpose of the establishment.

EXTENDED DRIP LINE: An imaginary line on the ground equal to one point three (1.3) times the distance from the tree trunk to the drip line. In no case shall the drip line be less than fifteen (15) feet from the trunk of the tree.

FAMILY: An individual or two (2) or more persons related by blood, marriage or adoption, or a group not to exceed six (6) unrelated persons living together as a single housekeeping unit.

FARM: A tract of land, not less than five (5) acres, devoted to agriculture, pasturage, stock raising, or some allied industry. Includes dairy, stock, and poultry farms.

FEDERAL AVIATION ADMINISTRATION: also known as FAA.

FEDERAL COMMUNICATIONS COMMISSION: also known as FCC.

FENCE: A hedge, structure, or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two (2) contiguous properties. An enclosure around a field or other space, or around any object; especially an enclosing structure of wood, iron or other materials, intended to prevent intrusion from without or straying from within. See Chapter 14, "LOTS, YARDS AND FENCES" of the Leon Valley City Code for other specific regulations.

FLEA MARKET: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOR AREA, NET: The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

FOOD PROCESSING FACILITY: An establishment in which food is processed or otherwise prepared for eventual human consumption but not consumed on the premises.

FRONTAGE: The width of a lot or parcel abutting a public right-of-way measured at the front property line.

GARAGE: A shelter for automotive vehicles.

GROSS FLOOR AREA (GFA): The gross floor area of a building or lease space. The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof.

GROSS LEASABLE AREA (GLA): The gross leasable area is the total floor area designed for both tenant occupancy and exclusive use, including both owned and leased areas.

GRADE: The average elevation of the land around a building, or the percent rise or descent of a sloping surface.

GRADE, FINISHED: The final elevation of the average ground level adjoining a building at all exterior walls after development.

GRADE, LEVEL: Roads, buildings, or structures built on the ground.

GRADE, NATURAL: The elevation of the ground level in its natural state, before construction, filling or excavation.

GROUND COVER: Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

GROUP HOME: A dwelling for no more than six (6) legally unrelated, developmentally disabled persons and no more than two (2) supervisory personnel. Said persons and personnel must live as a single housekeeping unit, for the primary purpose of providing shelter in a family-like atmosphere as part of the residential community, with on-site medical treatment or therapy a secondary purpose. A group home must qualify as a family home under Chapter 123 of the Texas Human Resources Code, Community Homes for Disabled Persons Locations Act.

GUEST HOUSE: Any living space with or without kitchen facilities which is to be used for the housing of two (2) or less persons, attached or unattached to the primary structure of the site, intended to be used as an accessory use to the primary structure and not for profit purposes.

GUEST ROOM: Any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

HOME OCCUPATION: The partial use of a dwelling unit for commercial or nonresidential uses by a resident thereof which is clearly and obviously subordinate and incidental to the main use of the dwelling for residential purposes. Home occupations shall be conducted wholly within the primary structure or existing accessory building on the premises.

HORTICULTURE: The science of growing fruits, vegetables, flowers or ornamental plants.

HOSPITAL: An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices. May be either public or private and may be limited in their functions or services.

HOTEL: Any building containing six (6) or more guest rooms offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities rented or leased on a daily, weekly, or semi-permanent basis.

INCIDENTAL USE: A use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to, and found in connection with, such primary use. Also referred to as **ACCESSORY USE**.

INN: Any building containing five (5) or less guest rooms, the primary use of which is a commercial activity which is intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

KENNEL: Any lot or premises, other than a veterinary clinic, on which a combined total of three (3) or more un-neutered adult dogs or cats, or a combined total of five (5) or more neutered adult dogs or cats are housed, groomed, bred, boarded, trained or sold; either for compensation boarded on a daily or weekly basis.

LABORATORY, DENTAL OR MEDICAL: Any facility for the biological, microbiological, serological, chemical, immuno-hematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, assessment, prevention, or treatment of any disease, condition or impairment of human beings.

LABORATORY, RESEARCH: An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

LABORATORY, TESTING: An establishment or other facility whose primary purpose is to examine, observe or evaluate items, samples and/or substances which may include engineering and product evaluation(s).

LANDSCAPED AREA: Areas of a lot, land parcel or building site devoted to and consisting of plant material, including but not limited to turf grasses, grasses-bunch, trees, shrub forms, flowers, vines and other ground cover, native plant materials, planters, brick pavers, stone, natural forms, water forms, public art forms, stone aggregate and other landscape features, but excluding smooth concrete, asphalt or paving for vehicular traffic; provided that the use of brick, stone aggregate or other inorganic materials shall not be greater in total area than that of organic plant material.

LANDSCAPING: The modification or ornamentation of a natural landscape by altering the plant cover. Landscaping shall consist of any of the following, or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees, or palms; and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences-but excluding paving.

LOT: Any portion, piece, division or parcel of land, fractional part or subdivision of block, according to plat or survey. A single parcel of land. A measured parcel of land having fixed boundaries. The word "lot" includes the word "plot."

LOT CORNER: A lot abutting on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

LOT FRONTAGE: The length of the front lot line, measured at the street right-of-way line, from one corner of the property to the other.

LOT, INTERIOR: A lot other than a corner lot.

LOT, IRREGULAR: A lot whose opposing property lines are generally not parallel, such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Clerk of Bexar County, or a parcel of land, the deed for which was recorded in the Office of the County Clerk of Bexar County prior to the original adoption of this Chapter on September 21, 1965.

LOT WIDTH: The distance between the side lot lines, measured at right angles to the lot depth at the minimum front building (setback) line.

MAINTENANCE: To preserve from failure or decline.

MANUFACTURED BUILDING: A transportable structure in one (1) or more sections, which is built on a permanent frame or base and is designed for use with or without a permanent foundation when connected to the required utilities.

MANUFACTURED HOUSING: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec.

5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

MANUFACTURING: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

MASONRY: See BUILDING CODE, UNIFORM.

MASTER PLAN: The City's overall guide for a rationally derived, future oriented, land use plan that divides the city into districts, imposes appropriate zoning regulations, and takes into account the public interest in growth and preservation of essential community values. The Plan includes land use, capital improvements, traffic, parks and recreation, and transportation.

MANUFACTURED HOME: See MANUFACTURED HOUSING.

MANUFACTURED HOME PARK: A tract of land developed and operated as a unit with individual sites and facilities to accommodate two (2) or more manufactured homes.

MOTEL: Any building containing six (6) or more guest rooms providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

MOTORCYCLE: Every motor vehicle excluding a tractor having a saddle for the use of a rider and designed to travel on not more than three wheels in contact with the ground.

MULTIPLE-FAMILY RETIREMENT COMMUNITY: A planned development consisting of a single platted lot, of at least five acres, completely screened from other development, containing one or more residential clusters of cottages or apartment houses or a combination thereof, and appurtenant common areas, intended for rental or leasing to seniors and including other features which are designed to increase safety and amenities to the elderly and/or disabled, such as increased security, on-site management, food services, health services, handicapped accessible units, recreation facilities, or transportation services.

MULTIPLE FAMILY RETIREMENT COMMUNITY RESIDENTIAL CLUSTER: More than one (1) cottage or apartment located within reasonably close proximity to another and designed for residency by seniors.

NATIVE PLANT: A plant specie with a geographic distribution indigenous to the Bexar County region which is capable of sustaining growth and reproduction under local climatic conditions.

NATURALIZED PLANT: A plant specie introduced to the region which is capable of sustaining growth and reproduction under local climatic conditions.

NONCONFORMING BUILDING: A building the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but now fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING LOT: A lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but now fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this Chapter became effective, which has been lawfully continued and which does not now conform to the use regulations.

NON-EMERGENCY MEDICAL TRANSPORT SERVICE: Transportation service that provides transport of medical patients on a non-emergency basis.

NURSING HOME: A licensed facility which provides nursing care and related medical services on a 24-hour per day basis to individuals due to illness, disease, or physical or mental infirmity but not for persons in need of hospital care.

OCCUPANCY, CERTIFICATE OF: A document issued by the City of Leon Valley allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable Codes and Ordinances of the City of Leon Valley.

OFFICE, PROFESSIONAL: A location used primarily for conducting the affairs of a commonly recognized business, profession, service, industry, government, or like activity.

OPEN SPACE: A land area that is not occupied by a building, structure, parking area, street, alley or required yard.

PARK: A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARK AND RIDE FACILITIES: Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage car pooling for purposes of commuting, or for access to recreation areas.

PARKING LOT: An open area, other than a street, used for the parking of automobiles.

PARKING SPACE: A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of a vehicle or motorcycle.

PARKING, STACKED: On-site space designed to provide vehicle queuing.

PEAK HOUR TRIPS (PHT): Average number of trips generated by a development at its most intense hours of operation.

PERSON: A natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PET STORE: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, pigs and poultry.

PLANT NURSERY I: Any business, the primary use of which is the cultivation of plant material for transplanting, for use as stocks, for budding and grafting or for sale, consisting of one (1) acre minimum, with no outside storage of equipment or supplies other than live plant material, subject to screening requirements as stated in Chapter 14 "LOTS, YARDS AND FENCES."

PLANT NURSERY II: Any business, the primary use of which is the cultivation of plant material for transplanting, for use as stocks, for budding and grafting or for sale, consisting of one (1) acre minimum, for temporary sales, subject to screening requirements as stated in Chapter 14.

PLANT NURSERY III: Any business, the primary use of which is the cultivation of plant material for transplanting, for use as stocks, for budding and grafting or for sale, consisting of one (1) acre minimum, to include greenhouse, with outside storage subject to screening requirements as stated in Chapter 14.

PLANT NURSERY IV: Any business, the primary use of which is the cultivation of plant material for transplanting, for use as stocks, for budding and grafting or for sale, consisting of one (1) acre minimum, to include nursery sales, greenhouse, and wholesale, subject to screening requirements as stated in Chapter 14.

PLANTER: A raised area containing plant material defined by a hard edge such as walls, large pots and other similar physical containment design.

PLAT/PLOT: A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

PRIMARY USE: The primary or predominant use of any lot or parcel.

PROJECTED TRAFFIC: The traffic which is projected to be at an existing or proposed street during the proposed development's peak hour of use. Also refer to PEAK HOUR TRIPS.

PUBLIC IMPROVEMENT: Work within dedicated rights-of-way or easements.

PUBLIC WAY: Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

QUORUM: The number of member(s) or alternate(s) of a body that when duly assembled, is legally competent to transact business.

RECREATION: See ENTERTAINMENT.

RECREATIONAL VEHICLE: A vehicular unit, other than a manufactured home, whose gross floor area is less than 320 square feet, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer or van.

RENOVATION: To restore to a former or better state through interior and/or exterior remodeling of a structure, other than ordinary repair.

REPAIR SHOP: An establishment which restores by replacing or putting together that which is broken.

RESTAURANT: An establishment, the primary use of which is the provision of food and beverages for on-premise consumption, and where any sale of alcohol is accessory to the primary use.

RESTAURANT, DRIVE-IN/TAKE OUT: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from a vehicle.

RETAIL SALES: Establishments engaged in selling goods or merchandise to the general public of personal or household consumption and rendering services incidental to the sale of such goods.

SCHOOL, PUBLIC: Any institution, the primary function of which is to provide primary or secondary education or a scholastic institution accredited by the State of Texas.

SCHOOL, VOCATIONAL AND/OR TECHNICAL: A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools

that are owned and operated privately for profit and that do not offer a complete educational curriculum.

SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by a barrier or device constructed of metal, wood, brick, stone, block, or other suitable materials, singly or in combination. See also Chapter 14, "LOTS, YARDS AND FENCES" of the Leon Valley City Code.

SELF-SERVICE STORAGE FACILITY: A facility or area with limited access, which is divided into separate compartments no larger than 500 square feet in size and is accessible from an interior or exterior door for use by individuals or businesses for the storage of property.

SERVICE: Provision of something which is helpful to others whether for profit or nonprofit, not including repair or maintenance of goods, but specifically including establishments where the primary use is the provision of food or alcohol.

SETBACK: See BUILDING LINE.

SITE PLAN: A plan which outlines the use and development of any tract of land.

SPECIAL EXCEPTION: A procedure for approving the specific location of designated uses that are allowed in certain districts, but that require specific screening and supervision to minimize adverse neighborhood impacts. The enabling act anticipates that the Board of Adjustment will decide special exceptions, with authority to approve, deny or condition permits for such use(s).

SPECIFIC USE PERMIT (SUP): A permit required through public hearing determining whether or not the use will adversely affect the character and appropriate use of the area or neighborhood in which the use is proposed to be located; that it will not substantially depreciate the value of adjacent and nearby properties for the use in accordance with the regulations of the zoning district in which the use will be located; that it will be in keeping with the spirit and intent of this Code; that it will not adversely affect the implementation of the approved Master Plan; that it will comply with applicable standards of the district in which it is proposed to be located; and that it will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the City.

SPECIFIC USE PERMIT, CONTINUOUS: A Specific Use Permit, which is continuous in nature, and runs with the property as opposed to being occupant specific.

STORAGE: Safekeeping of goods and/or materials in a warehouse or other depository; where the safekeeping is the principal object of deposit, and not for consumption or sale.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is

more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STREET: Any street, avenue, boulevard, road, parkway, viaduct, drive, or other roadway in a city, town, or village, generally paved, and lined or intended to be lined by structures on each side. It includes all urban ways which can be and are generally used for travel, but does not normally include service entrances or driveways leading off from the street onto adjoining premises.

STREET PRESUMPTION: The condition of a street (classification and carrying capacity) as it will exist after final improvement as proposed by the City's Major Thoroughfare Plan or the capacity indicated by the right of way acquired by City on any boundary street.

STREET, PRIVATE: A right-of-way or easement in private ownership not dedicated or maintained as a public street, which affords the principal means of access to two (2) or more sites.

STREET YARD AREA: The area of a lot which lies between the property line at a dedicated street right-of-way and the actual front wall line of the building, or, if no building, to the rear property line. Such building wall lines extend from the outward corners of the buildings as illustrated in "Appendix A" of this Chapter.

STRUCTURE: Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner. That which is built or constructed; an edifice or building of any kind.

STUDY AREA BOUNDARY: The limits of the area in which analysis is conducted or for which information is provided. This area is determined by the property owner or its representative based on the size of the development and the Peak Hour Trips projected to be generated by the proposed development. In the case of a Level 1 or 2 Traffic Impact Analysis, this area may include the site, and the area within a distance no greater than $\frac{1}{4}$ mile along the boundary streets from the boundary of the site. In the case of a Level 3 Traffic Impact Analysis, this area will be determined by the property owner based on sound engineering judgment and agreed to by the City, but in all cases shall be less than the area contained in a one mile radius from the site. In those instances where the property owner has neither submitted preliminary plans nor applied for an initial development permit prior to the effective date of this ordinance; the determination of the area to be studied by the property owner must be approved by the City Engineer for all levels of traffic impact analyses; and before granting approval of a Level 2 Traffic Impact Analysis, the City Engineer may require the area of the study to exceed the maximum area prescribed above by $\frac{1}{4}$ mile.

SUBDIVISION: The division of a tract, lot or parcel of land into two (2) or more lots, plats, sites or other divisions of land.

SUITE HOTEL: A suite of rooms in a structure arranged, designed, or occupied for temporary housing and rented or leased on a daily, weekly, or semi-permanent basis, and which includes kitchen facilities for cooking and complete housekeeping.

TELECOMMUNICATION: The transmission, between or among points specified by the user, of audio and/or visual information of the user's choosing, without change in the form or content of the information as sent and received.

TELECOMMUNICATIONS SERVICE: The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities use.

TEMPORARY USE: A use that is authorized by this Chapter to be conducted for a fixed period of time. Temporary uses are characterized by but not limited to such activities as the sale of agricultural products, clothing and/or accessories, construction buildings and equipment sheds, fireworks, carnivals, flea markets, seasonal and/or holiday products and garage sales.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers.

TOWER, ELECTRIC TRANSMISSIONS: A self supporting structure in excess of 50 feet (15 meters) in height designed to support high voltage electric lines. This does not include local utility or distribution poles (with or without transformers) designed to provide electric service to individual customers.

TOWER, GUYED: Any telecommunications tower supported in whole or in part by cables anchored to the ground.

TOWER, HAM RADIO: An accessory use or property involving a self-supporting or guyed tower, less than 50 feet (15 meters in height, used for private, non-commercial radio communications).

TOWER, MONOPOLE: A self-supporting telecommunications tower which consists of a single vertical pole fixed into the ground and/or attached to a foundation.

TOWER, SELF-SUPPORTING LATTICE: A telecommunications tower which consists of an open network of metal braces forming a tower which is usually triangular or square in cross-section.

TOWER, TELECOMMUNICATIONS: A self-supporting or guyed structure more than twenty feet (6 meters) in height, built primarily to support one or more telecommunications antennae.

TRACTOR: A farm device used for drawing, towing, pulling or powering other farm machinery which cannot propel itself.

TRAFFIC IMPACT ANALYSIS (TIA): A report analyzing anticipated roadway conditions with and without an applicant's development.

TREES, SHRUB FORMS, VINES, GROUND COVERS, TURF GRASSES AND GRASSES-BUNCH: Shall be defined as any of the above, such as those listed within this Chapter. Tree is additionally defined. In order to qualify under the provisions of this Code as a tree, said tree, when planted, must be at least two (2) inches in diameter at a height no less than twelve (12) inches above the ground. The tree diameter must be determined from a single trunk.

TRIP DISTRIBUTION: The measure of the number of vehicles or passenger movements that are or will be made between geographic areas.

TRIP GENERATION: The total number of vehicle trip ends produced by a specific land use or activity.

TRIP GENERATION SUMMARY: A table summarizing the trip generation characteristics of the development (on site only) for the entire day and the a.m. and p.m. peak periods including the rates and units used to calculate the number of trips. Information on appropriate trip generation rates and procedures may be obtained by contacting the Development Department. Institute of Transportation Engineers trip rates will be used whenever possible.

TRUCK: A vehicle designed primarily for hauling cargo and material.

TRUCK, LIGHT: Trucks with a weight of up to 14, 000 pounds used for light hauling or towing, as well everyday transportation. Light trucks include but are not limited to pickups, minivans, full-sized vans, and sport utility vehicles.

TRUCK, MEDIUM: Trucks with a weight of up to 33,000 pounds which are typically used as dump trucks, garbage trucks, local freight-delivery trucks, and utility vehicles.

TRUCK, HEAVY: Trucks with a weight over 33,000 pounds which are primarily used to pull heavy trailers. Such trucks are referred to as semi-trucks/trailers, or tractor trailer trucks.

TURF: Continuous plant coverage consisting of grass species such as Bermuda, buffalo, zoysia or any other native species of grass, designed to be drought tolerant to the South Texas area.

UNDERSTORY TREE: A self-supporting wood plant with one (1) or more trunks which attains a height of no taller than fifteen (15) feet.

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UNNECESSARY HARDSHIP: Special circumstances applicable to a piece of property, whereby a property owner may be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which may result in a disparity of privileges. Also known as **UNDUE HARDSHIP**.

USE: The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, CHANGE OF: The change within the classified use of a structure or premise.

VARIANCE: An authorization to a property owner to depart from literal requirements of zoning regulations in utilization of his property in cases in which strict enforcement of the zoning regulations would cause undue hardship because of special circumstances applicable to it, where the property owner is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

VEHICLE, MOTOR: A self-propelled device licensed by the State as a motor vehicle and used for the transportation of people or goods over roads.

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VETERINARY CLINIC OR HOSPITAL: A facility for the medical and clinical treatment of animals by an individual licensed to practice veterinary medicine in the state of Texas, including short term boarding of animals.

WAREHOUSE: Structure used for the reception and storage of goods and merchandise. The term may include any structure used to hold goods, stores or wares for long- or short-term storage.

WHOLESALE: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

YARD: An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures except as otherwise provided in this Chapter.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

YARD, REAR: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto.

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YARD, SIDE: An open, unoccupied space on the same lot with the building and between the building line and the side lot line.

ZONING: The division of a city by legislative regulation into districts and the prescription and application in each district of regulations having to do with structural and architectural designs of buildings and of regulations prescribing use to which buildings within designated districts may be put.

ZONING AMENDMENT: A legislative change of an existing comprehensive zoning ordinance. Amendments must be adopted with all formalities required by the enabling act, including zoning commission recommendations, notice to landowners in a designated area, when required, published notice of legislative consideration, public hearings, and final passage of an amending ordinance.

ZONING AND LAND USE COMMISSION: An appointed group of citizens with delegated authority to recommend boundaries of original zoning districts and appropriate regulations to be enforced therein; to hold public hearings and prepare a final report for the City Council on recommendations for changes in zoning district boundaries or regulations in zoning districts; to hold public hearings and prepare a final report for the City Council on recommendations for the enforcement of regulations in zoning districts including specific use permits and non-specified uses; and to prepare and maintain a city's master plan, zoning code, master sign plan, and other tasks as outlined/requested by the City Council.

ZONING MAP: The official map as approved by the City Council of the City of Leon Valley, as amended from time to time, which displays the various zoning districts.

30.300 ADMINISTRATION**30.301 PRIMARY RESPONSIBILITY FOR ENFORCEMENT**

The Zoning Officer(s) shall be the designated authority charged with the Administration and enforcement of this Ordinance. The Zoning Officer(s) shall be appointed by the City Manager. The Zoning Officer(s) also serves as the staff advisor to the City Council, Zoning Commission, Board of Adjustment, city staff, and citizens relating to the administration, interpretation, implementation, and enforcement of the provisions of this Ordinance.

30.302 DUTIES

The Zoning Officer(s) shall have the following duties:

- A. The Zoning Officer(s) shall have the power to make inspections of buildings and premises to carry out the duties prescribed herein.
- B. The Zoning Officer(s) shall examine all building permit applications and shall certify that the proposed construction, moving, alteration, or use complies with the provisions of this Ordinance.
- C. The Zoning Officer(s) shall certify all Certificates of Occupancy prior to their issuance.
- D. The Zoning Officer(s) shall investigate alleged violations of this Ordinance, and shall conduct a visual inspection of all uses within the City. If a violation or suspected violation is found, enforcement efforts shall be undertaken by the Zoning Officer(s).
- E. The Zoning Officer(s) shall perform such other duties as assigned by the Mayor relating to the administration, interpretation, implementation, and enforcement of the provisions of this Ordinance.

30.303 CERTIFICATE OF OCCUPANCY

When required a Certificate of Occupancy shall be obtained for any of the following:

- A. Occupancy and use of a building hereafter erected or structurally altered;
- B. Change in use of an existing building to a use of a different classification;

- C. Occupancy and use of vacant land;
- D. Change in the use of land to a use of a different classification; and
- E. Any major or significant modification, alteration, or change in a nonconforming use.

30.304 OCCUPANCY WITHOUT CERTIFICATE PROHIBITED

No such use, or change of use, shall be permitted unless a Certificate of Occupancy, approved by the Zoning Officer(s), has been issued.

30.305 PROCEDURE FOR NEW OR ALTERED BUILDINGS

Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued within ten (10) days after a written request for the same has been made to the Zoning Officer(s) or his agent, and only after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance. The Zoning Officer(s) shall issue the Certificate of Occupancy not more than ten (10) days after the erection or alteration has been approved by the City.

30.306 PROCEDURE FOR VACANT LAND USE OR CHANGE IN BUILDING USE

Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use to a conforming use, as herein provided, shall be submitted to the Zoning Officer(s) for review on forms available in the Zoning Officer(s)'s office. If the proposed use is in conformity with the provisions of this Ordinance and has been approved by the Zoning Officer(s), the Certificate of Occupancy shall be issued within ten (10) days after the application has been made.

30.307 CONTENTS OF CERTIFICATE OF OCCUPANCY

Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of Leon Valley's codes and ordinances. A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Officer(s) or a designee and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

30.308 TEMPORARY CERTIFICATE

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Zoning Officer(s) for a period not exceeding six (6)

months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Ordinance.

30.309 AMENDMENTS TO THE ZONING MAP AND TEXT

A. Purpose of Amendments: The purpose of an amendment procedure is to provide for changes in the text of the Zoning Ordinance (text amendment) and to change the boundaries of zoning districts (rezoning) shown on the Official Zoning Map. Since these regulations represent the City's effort to provide for the orderly development of the community, no change shall be made in these regulations except:

- 1) to correct an error in the regulations or map;
- 2) to recognize changed or changing conditions or circumstances in a particular locality or area; or
- 3) to recognize a change in public plans or policies that affect the property.

30.310 COMPREHENSIVE PLANNING ACTIVITIES

The Zoning Administrator shall assist the Zoning Commission in the development and implementation of the City's Comprehensive Master Plan. There shall be no amendment made to this Ordinance which is not in compliance with the City's long-range comprehensive planning program and the City's Master Plan.

30.311 APPLICANT QUALIFICATIONS

Any person, corporation, or authorized agent interested in any property, or owner of property may initiate proceedings to allow the consideration of a change in the zoning classification of such property or to the regulations pertaining to said property. In the event that ownership stated on the application and that shown on City records are different, the applicant shall submit proof of ownership or legal standing to submit the application or must provide a notarized letter of authorization from the property owner. The Zoning Commission or City Council may, on its own motion, initiate proceedings to consider a change to the zoning on any property or to the regulations pertaining to property, when it finds that the public interest would be served by consideration of such a request.

30.312 APPLICANT FORM AND CONTENT

Each application for a text amendment, rezoning, Specific Use Permit, or Non-Specified Use Permit shall be made in writing on a form provided by the Zoning Officer(s) and shall be filed with the Zoning Officer(s). Each application shall be

accompanied by payment of the fees as set forth in Leon Valley City Code, Chapter 32, "Schedule of Fees". An application for a rezoning shall also include any plat(s), field notes, metes and bounds descriptions, plans and/or drawings in a form acceptable to the Zoning Officer(s) and containing sufficient information necessary to determine the impact on properties affected by the rezoning request. Where information is lacking or inadequate at the time of submission, the applicant shall be notified as to the nature and extent of the deficiency, and the record shall be retained as an intent to apply until such deficiency is remedied. No docket number shall be assigned in such cases until the required information has been supplied.

30.313 SCHEDULED DATES AND NOTIFICATION – Zoning Map Amendment Applications

A. Applications must be submitted to the Zoning Administrator and all appropriate fees paid. Upon receipt of a complete application for a zoning map amendment (rezoning), and all outstanding issues having been resolved, the Zoning Officer(s) shall assign the application a docket number and set a date for a public hearing before the Zoning Commission and the City Council. Not less than ten (10) days before the public hearing, written notice shall be sent to all owners of real property, as indicated on the most recently approved municipal tax roll, located within two-hundred (200') feet of the property to be rezoned or as otherwise resolved by the City Council. The notice may be served by its deposit in the United States Mail, within the City of Leon Valley, properly addressed with postage paid.

B. Not less than fifteen (15) days before the public hearing, notice of the hearing shall be published in an official newspaper or a newspaper of general circulation.

C. All applications received shall be heard at a public hearing within seventy (70) days of the date of assignment of docket numbers and decided at the same meeting, at the next regular meeting of the Commission, or at a special meeting prior to such regular meeting; but in any event, within thirty-six (36) days of the initial meeting at which the hearing on the particular case was first held.

D. From the date of recommendation by the Commission, application must be made for public hearing before the City Council regarding the same matter within ninety (90) days of such Commission recommendation or the recommendation is void.

E. At his option, the applicant may choose to request public hearings before both the Commission and the City Council by paying the total applicable fees for both hearings at the same time. If such option is elected, the date of the public hearing before the City Council shall be set at the next regularly scheduled meeting of the City Council following the public hearing at which a decision is made by the Commission.

30.314 WITHDRAWAL OF APPLICATION

Prior to the issuance of the notice of a public hearing before the Zoning Commission and City Council, the applicant may, by written notice to the Zoning Officer(s), withdraw the application or request rescheduling of the public hearing to a later regular meeting date. Once public notice is given, the applicant may withdraw the application or request for rescheduling only with the approval of the City Council. The City Council may reject a request to withdraw an application or request to reschedule and conduct the public hearing as stated in the notification and take action as appropriate within the context of the public notice provided. Not less than fifteen (15) days before the public hearing, notice of the hearing shall be published in an official newspaper or a newspaper of general circulation in the City of Leon Valley.

30.315 DENIAL OF REQUEST-TIME PERIOD FOR RE-APPLICATION

No application for rezoning, specific use or non-specific use of any lot(s) or block(s) of land situated in the City shall be received or filed with the Commission and no hearing had thereon, if within six (6) months prior thereto an application was received or filed on the same lot(s) or block(s) of land. This time restriction shall apply whether said application was withdrawn before or after action by the Commission, and whether or not final hearing and action has been filed by the City Council.

30.316 ZONING COMMISSION REPORT

After public hearing, the Zoning Commission shall submit a report to the City Council with a recommendation that the application be approved, tabled, or denied. The vote of the Zoning Commission at the conclusion of a public hearing and the minutes pertaining to it shall constitute the Commission's final report to the City Council.

30.317 PROTESTS

In the event a protest to an application is filed with the Zoning Officer(s), duly signed and acknowledged, by the owners of either:

- A. Twenty percent (20%) or more of the area of the lots or land covered by the proposed change; or
- B. By twenty percent (20%) or more of the area of the lots or land immediately adjoining the area covered by the proposed change and extending two-hundred (200') from such area; such application shall not become effective except by affirmative vote of three fourths (3/4) of all the members of the City Council. In computing the percentage of land area to be considered, the area of streets and alleys shall be included.

30.318 ACTION BY THE CITY COUNCIL

Upon receipt of the report from the Zoning Commission the City Council shall hold a public hearing for the purpose of consideration the proposed change to the zoning map or text. Not less than fifteen (15) days before the public hearing, notice of the hearing shall be published in an official newspaper or a newspaper of general circulation in the City of Leon Valley.

30.319 APPROVAL AND EXECUTION OF CHANGES

If finally approved by the required number of votes of the City Council, the Mayor shall execute the ordinance.

30.320 EXPIRATION OF AN APPLICATION

Any pending application shall be automatically approved if no action of any kind has been taken on it by the City Council for a period of one year.

30.321 LIABILITY

This Chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this Chapter.

30.400 NONCONFORMANCE

30.401 PURPOSE

Within the districts established by this Ordinance or amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not conform to the regulations of the district in which they are located. It is the intent of this section of the Ordinance to permit such nonconformance to continue, under regulations herein contained, until the same are removed, but not to encourage their survival.

30.402 NONCONFORMANCE INCOMPATIBILITY

Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

30.403 ENLARGEMENT PROHIBITED

It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded, or extended, nor be used as a basis for adding other structures or uses prohibited elsewhere in the same district. Except as herein provided, no nonconforming use of land or buildings, or any nonconforming structure shall be enlarged, changed, or altered, except in conformity with the regulations contained in this Chapter.

30.404 NONCONFORMANCE STATUS

Any use or structure which does not conform to the regulations contained in the zoning district in which it is located is deemed to be a legal nonconforming use when:

- A. The use or structure was in existence and lawfully operating at the time of the passage of this Ordinance, and has since been in regular and continuous use; or
- B. the use or structure was lawfully being used at the time of the adoption of any amendment to this ordinance and by such amendment was placed in a district where it is not otherwise permitted; or
- C. the use or structure was in existence at the time of annexation to the City of Leon Valley and has since been in regular and continuous use.

30.405 CONTINUING LAWFUL USE OF PROPERTY

The lawful use of land existing at the time of the passage of this Ordinance, although it does not conform to the provisions herein, may be continued until termination is required in accordance with the provisions of this Article. During the period between designation as a nonconforming land use activity and notification of a prescribed termination date, if discontinuance occurs, any future use of the premises must be in conformity with the general provisions of this Ordinance.

A legal nonconforming use, when discontinued or abandoned, cannot be resumed. Prima facie evidence of continuance or abandonment is as follows:

- 1. When land associated with a legal nonconforming use ceases to be used in such a manner for a period of one hundred and twenty (120) days.
- 2. When a structure associated with a nonconforming use ceases to be used in such a manner for a period of one hundred and twenty (120) days.

30.406 DEVELOPMENT OF NONCONFORMING LOTS

Nonconforming lots which do not meet the minimum area, width, or depth requirements for the district in which they are located may be used for any lawful purpose permitted within the zoning district in which they are located. However, the use of such a

lot shall be subject to a determination by the Zoning Officer(s) that a good faith effort has been made to follow all rules and regulations associated with this Ordinance.

30.407 PROOF OF LEGAL NONCONFORMANCE

It shall be the responsibility of the owner, operator, or occupant to provide proof that a nonconforming structure or use of land or building existed prior to the enactment of this Ordinance.

30.408 RESTORATION OF DAMAGED PROPERTY

Nothing in this Article shall prevent the restoration of a building that is destroyed by fire, explosion, or other casualty or act of God, or a public enemy by less than 50% of the appraised value of the building, nor the continued occupancy or use of such a building or part which existed at the time of such destruction.

30.409 SUBSTITUTION OF NONCONFORMING USES OR STRUCTURES PROHIBITED

No nonconforming use or structure may be substituted for any other nonconforming use or structure. Only uses permitted by right and approved Specific Uses may be substituted for nonconforming uses or structures.

30.410 ENLARGEMENT OF NONCONFORMANCE PROHIBITED

No nonconforming use or structure may be extended or enlarged, and no nonconforming use of land may be enlarged or increased, to occupy a greater area of land than was occupied at the time the site achieved nonconforming status.

30.411 TERMINATION OF NONCONFORMANCE

The right to use a parcel of land or a structure in a nonconforming manner shall terminate under any of the following circumstances:

- A. When the use is abandoned.
- B. When any provision of this or any other ordinance of the City of Leon Valley is violated.
- C. When a nonconforming use is changed to a conforming use by means of an amendment to the zoning text or map.

30.412 LOT SIZE AND DENSITIES

No lot shall be reduced or diminished so that the yards or other open spaces shall be smaller than as prescribed in this Chapter, nor shall the density of population be

increased in any manner except in conformity with the area regulations established herein. Side yard areas, used to comply with minimum requirements of this Chapter, for a building, shall not be included as a part of the required areas of any other building.

30.500 FEES

30.501 FEES SCHEDULE

Fees for zoning text amendments, rezoning, Specific Use permits, Non-Specified Use permits, Board of Adjustment requests and any other permits or review procedures associated with this Ordinance shall be established by the City Council and shall be set as per Leon Valley City Code, Chapter 32, "Schedule of Fees".

30.502 WAIVER OF FEES

The City Council, upon a vote of the majority of members present, may waive the fee for an amendment, Specific Use permit, or any other permit or review procedure associated with this Ordinance. However, fees may be waived only in the case of extreme hardship on the applicant or in cases where a submission of a zoning action is required by the City Council, Zoning Commission or the Board of Adjustment.

30.503 ATTRIBUTABLE FEES

All fees attributable to non-staff consultants such as a City Attorney, City Engineer, Contract Inspector, and other similar contract personnel shall be payable by the applicant. Failure to pay such fees shall suspend or nullify the review or approval of an application until such fees are paid in full.

30.600 DISTRICTS, BOUNDARIES, AND USE REGULATIONS

30.601 DISTRICTS

The City is hereby divided into THIRTEEN (13) Zoning Districts and Boundaries as follows:

- "R-1" Single-Family Dwelling District
- "R-2" Two-Family Dwelling District
- "R-3" Multiple-Family Dwelling District
- "R-3A" Multiple-Family Retirement Community District
- "R-4" Townhouse Dwelling District
- "R-5" Manufactured Home Dwelling District
- "R-6" Garden House District
- "MX-1" Mixed Use Development
- "O-1" Office District
- "B-1" Small Business District
- "B-2" Retail District
- "B-3" Commercial District
- "I-1" Industrial District

30.602 BOUNDARIES

a. GENERAL.

The boundaries of these districts are indicated on the zoning map of the City of Leon Valley, which is on file in the official office of the City.

b. INTERPRETATION.

Where uncertainty exists with respect to the boundaries of any of the following districts as shown on the zoning map, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following the center line of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

(3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale on said zoning map;

(4) In property which is not subdivided, the district boundary lines on the zoning map shall be determined by use of scale appearing on the map, or by more detailed descriptions that may be available in the official records of the City;

(5) In the case of a district boundary line dividing a property into two (2) parts, the district boundary line shall be determined by use of the scale appearing on the zoning map, or by more detailed descriptions that may be available in the official records of the City;

(6) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control; and

(7) Where conflict exists between the official zoning map of the City and the official records of the City, the records shall control.

30.603 ANNEXATION ZONING**a. "TEMPORARY R-1" ZONING ESTABLISHED.**

All territory annexed to the City shall be automatically classified as "Temporary R-1" Single-Family Dwelling District and the only uses which shall be permitted therein are those permitted in the permanent "R-1" District. If within six (6) months from annexation such property has not been permanently zoned, the City shall appropriately zone such property on behalf of the property owner.

b. PERMANENT ZONING UPON ANNEXATION.

The owner or owners of property being annexed to the City upon petition (as provided in Chapter 43, of the Texas Local Government Code) may apply at the time of annexation for a permanent zoning on the land being annexed and such application shall be processed as any other request for zoning. If timely filed and the proper notice and hearing procedures have been followed prior to the Council meeting in question, the City Council can give such territory its permanent zoning at the same meeting at which it is annexed.

30.604 DESCRIPTION AND PURPOSE OF DISTRICTS**a. PURPOSE**

It is the purpose of this section:

(1) To protect the character of the residential areas by regulating the placement of certain uses and any unenclosed activities or uses which could intrude upon the lifestyle of the community through inappropriate lighting, noise, vibration, smoke, dust, or pollutants; and

(2) To protect the character of the business community by allowing certain incidental uses appropriate to certain zoning districts which would not intrude upon the character of the residential areas.

30.605 REGULATIONS FOR ALL DISTRICTS**a. USE**

No land shall be used for and no building shall be erected for or converted to any use other than provided in the regulations prescribed for the district in which it is located, except as hereinafter provided.

b. HEIGHT

No building shall be erected, constructed, extended, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is situated, with the following exceptions:

(1) Those exceptions listed in the definition of height found in this Chapter;

(2) In any district any main structure may be erected or altered to a height in excess of that specified for the district in which the structure is located provided that each required side and rear yard is increased one (1) foot for each two (2) feet of such excess height.

c. AREA

No lot shall be reduced or diminished so that the yards or other open spaces shall be smaller than as prescribed in this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations established herein. Side yard areas, used to comply with minimum requirements of this Chapter, for a building, shall not be included as a part of the required areas of any other building. Every building hereinafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) main structure/building on a lot in the "R-1", "R-2" or "B-1" Districts, or as otherwise provided herein, and in no case shall any building be hereinafter erected on more than one (1) lot.

d. VISION CLEARANCE

(1) On any corner lot on which a front yard is required by this Chapter, no wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines at points twenty-five (25) feet from the point of intersection, measured along such street lines.

(2) On any corner lot on which front and side yards are required, no wall, fence, structure, sign, tree, shrub, or hedge may be maintained as to cause danger to traffic by obstructing the view, and when topography prevents a clear view, this obstruction shall be removed.

e. FRONT YARD

The front yard heretofore required shall be adjusted in the following cases:

(1) Where forty (40) percent or more of frontage on one side of a street between two (2) intersecting streets is developed with buildings that have observed, with a variation of five (5) feet or less, a front yard greater or lesser in depth than herein required,

new buildings shall not be erected closer to the street than the building line so established by the existing buildings, however, this regulation shall not be interpreted as requiring a building line of more than fifty (50) feet.

(2) Open and unenclosed terraces or porches and eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet; provided, however, that no supporting structure for such extensions may be located within the required front yard. The supporting structure of an open carport or other structure for the storage of automobiles shall not be located within the required front yard. An unenclosed, free standing canopy for a gasoline filling station or similar business may extend beyond the building line but shall never be closer to the property line than fifteen (15) feet. The building line of a gasoline filling station shall mean the actual wall of the filling station and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy or the columns supporting same.

f. SIDE AND REAR YARD

(1) Every part of the required side or rear yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projection of window sills, belt courses and other ornamental features projecting not to exceed twelve (12) inches. Eaves and awnings on main residential structures may project to within three (3) feet of a side lot line.

(2) Noncombustible accessory buildings may be built in the rear yard except that when such accessory building is combustible or located closer than fifteen (15) feet to the main building, it shall observe the same side yard as required of the main building.

(3) Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and ordinary projections of chimneys and flues into rear yard may project in the side or rear yard for a distance not to exceed four (4) feet.

(4) Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the ground (first) floor level of the building may project into a required side yard provided such projections not be erected closer than two (2) feet from the side lot line.

g. LOT AREA

On any lot separately platted as of September 21, 1965, a single-family house may be erected even though of less area than required by these regulations, with the requirement that it be connected to a public sewage disposal system.

h. LOCATION OF DWELLINGS AND BUILDINGS

Only one (1) main building for single- or two-family use, with permitted accessory buildings, may be located upon a lot.

i. OUTER COURTS

Whenever an outer court in a building used or intended to be used for dwelling purposes is formed by three (3) exterior walls of the building in which are located any openings, windows or doors for light, access, air or ventilation, the mean depth of the court measured from the base wall to a line projected from the outer edge of one (1) protruding wall shall not be greater than one and one-half (1 1/2) times the distance between the two (2) protruding walls. Whenever the depth of the court equals or exceeds fifty (50) percent of the distance between the protruding walls, the minimum width of an outer court shall be twelve (12) feet for one (1) standard story buildings, twenty (20) feet for two (2) standard story buildings, thirty (30) feet for three (3) standard story buildings, and for buildings exceeding three (3) standard stories in height, the width of an outer court shall be increased one (1) foot for each (2) feet the building exceeds three (3) standard stories.

j. FENCES.

(1) Fences shall be required to be in compliance with Chapter 14 "LOTS, YARDS AND FENCES" of this Code, as amended, with the following exception which is intended to take precedent over and govern any conflict with Chapter 14 of this Code:

- A. In I-1 districts, not fronting residential or commercial districts, and not located to adversely affect site distance at street and/or alley intersections, there shall be no limitation as to fence height.

k. SUMMARY OF HEIGHT, AREA AND YARD REQUIREMENTS.

(1) The requirements for height, yard and area set out in this Chapter are intended to protect the health, safety and welfare of property owners by establishing minimum standards. These standards are outlined for the individual districts in table format. In some cases, additional details regarding height, yard and area standards are provided for certain districts in the sections below. This section is intended to be interpreted in its entirety as it relates to the specific requirements for each zoning district.

(2) In the case of any lot or land parcel, it is hereby required that such lot or parcel must front onto a public street and be provided with public utilities and fire protection.

I. RESIDENCE IN NONRESIDENTIAL ZONE.

It is the intention of this Chapter that no residential use of any type occur in the B-2, B-3 or I-1 zones and that R-3 uses not occur in any other zoning district and that R-5 uses not occur in any other zoning district, unless:

(1) The use provides a residence for a caretaker residing on the premises in the B-2, B-3 or I-1 zones; or

(2) The use is constructed as a part of, and provides a residence used in conjunction with, the nonresidential use.

(3) The use is a part of an approved mixed use development (MX-1 district).

30.606 "R-1" SINGLE-FAMILY DWELLING**A. Purpose and Description**

This district provides areas for low density single family uses which provide a buffer between agricultural and higher density areas of the City. Minimum lot size requirements are provided in order to allow for market and design flexibility while preserving neighborhood character. The district regulations are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools, libraries, and neighborhood recreation centers. The district regulations are designed to: (1) protect the residential character of the areas by prohibiting commercial and industrial activities; (2) encourage a suitable neighborhood environment; and (3) preserve the openness of the area by requiring that certain minimum yard and area standard requirements are met.

The R-1 District implements the following policies of the Master Plan:

- Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure.
- Encourage connectivity throughout the City.

B. Lot Regulations

1. **Area:** Lots must have a minimum area of 8,400 square feet.
2. **Frontage:** Minimum frontage of 70 feet along a public right-of-way.
3. **Depth:** Minimum of 120 feet.
4. **Floor Space:** Minimum floor space of 1200 square feet of heated living space shall be provided in each one story dwelling, 1400 square feet for each two story dwelling.
5. **Height:** Maximum of two and one-half (2 ½) stories allowed.

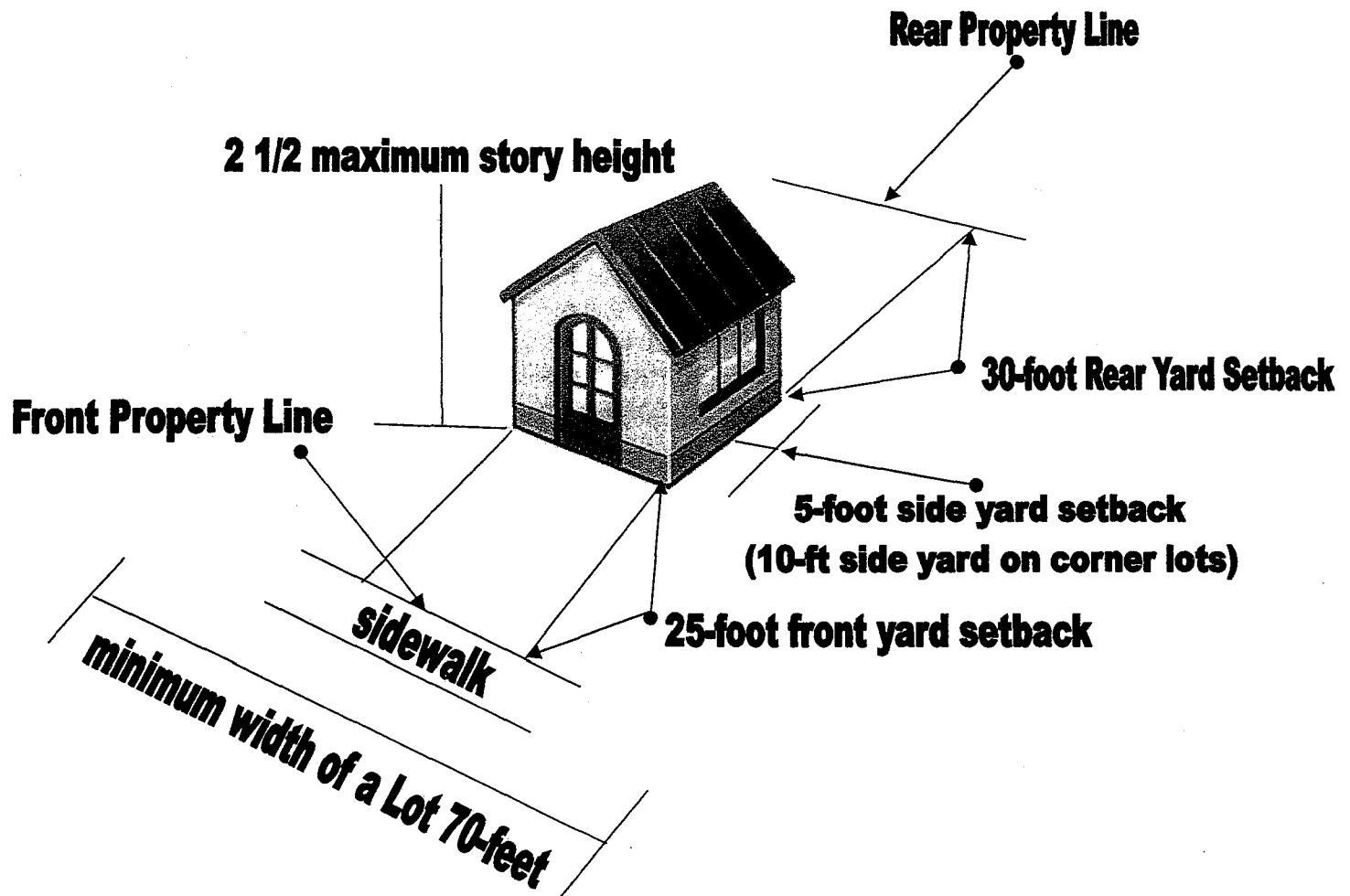
C. Setback Requirements

1. **Front Yard:** There shall be a front yard having a minimum of 25 feet from front property line to main structure.
2. **Rear Yard:** There shall be a rear yard of not less than 30 feet from rear property line to rear of main structure.
3. **Side Yard:** There shall be a side yard of not less than 5 feet from side property line to main structure. On corner lots the external side yard shall be not less than twenty (20) feet. See Chapter 24, "Subdivision and Subdivision Plats," for garage setbacks.

CONTINUED - 30.606 "R-1" SINGLE FAMILY DWELLING

4. **Corner Lot:** Where lots abut on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees, a side yard shall be provided on the street side equal to the front yard.
 5. **Reverse Frontage:** On corner lots, where interior lots have been platted or sold, fronting on the side street, a side yard shall be provided on the street side equal to the front yard on the lots in the rear. No accessory building on said corner lot shall project beyond the front line of the lots in the rear.
- D. Other**
1. **Accessory Buildings:** Shall be allowed, but shall be located no closer than 5 feet from any property line, and must be located in the rear yard. In no case shall an accessory building occupy more than 30% of the total open space in the rear yard.
 2. **Landscaping:** The use of drought tolerant turf grasses, such as Zoysia or Buffalo turf or combination, or other drought tolerant plantings and hardscape is strongly recommended.
 3. **Lighting:** All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lights affixed to the buildings shall be mounted no higher than the eaves of said building. Lights affixed to a pole shall be mounted no higher than 40% of the distance from the front property line to the main structure.
 4. **Masonry Required:** A minimum of 75% of total overall exterior walls shall be constructed of masonry, or other similar non-combustible materials.
 5. **Nonconforming Dwellings:** The provisions of floor space and masonry above shall not be applicable to nonconforming dwellings in existence on the date of the adoption thereof or to dwellings built hereafter on the same lot to replace such nonconforming dwellings as may be destroyed by fire, windstorm or other involuntary cause.
 6. **Parking:** Two off-street parking spaces shall be provided for each residential structure.
 7. **Public Facilities:** Each lot shall be connected to the City's public water and sewer system, and shall have appropriate sidewalks and fire protection. See Chapter 24, "Subdivisions and Subdivision Plats."
 8. **Storage:** Outside storage is not allowed in the R-1 district, with the exception of vehicles, trailers, recreational vehicles and boats in accordance with Chapter 14, of Leon Valley City Code. All items to be stored must be completely contained in either the main structure, garage or an accessory building.

Figure 1 (R-1 Single-Family Dwelling)



30.607 "R-2" TWO-FAMILY DWELLING**A. Purpose and Description**

This district provides areas for low and medium density one and two family dwelling uses, which provide a buffer from agricultural and single family districts and the higher density areas of the City. Minimum lot size requirements are provided in order to allow for market design and flexibility while preserving the neighborhood character. The district regulations are designed to: (1) protect the residential character of the area by prohibiting commercial and industrial activities, apartments and manufactured homes; (2) encourage a suitable neighborhood environment; and (3) preserve the openness of the area by requiring that certain minimum yard and area standard requirements are met. The district regulations are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools, libraries, and neighborhood recreation centers.

The R-2 district implements the following policies of the Master Plan:

- Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure.
- Encourage connectivity throughout the City;

B. Lot Regulations

1. **Area:** A minimum lot area of 10,200 square feet shall be provided.
2. **Depth:** A minimum depth of one hundred and twenty (120) feet, shall be provided, except as hereinafter provided.
3. **Floor Space:** Must provide a living area in each one-story structure of not less than 1,600 square feet; and in each two-story structure of not less than 1,800 square feet; and shall be heated living space as in the R-1 (Single-Family Dwelling) district.
4. **Frontage:** Minimum frontage of the lot shall be eighty-five (85) feet along a public right-of-way.
5. **Height:** A maximum of two and one-half (2 ½) stories allowed.

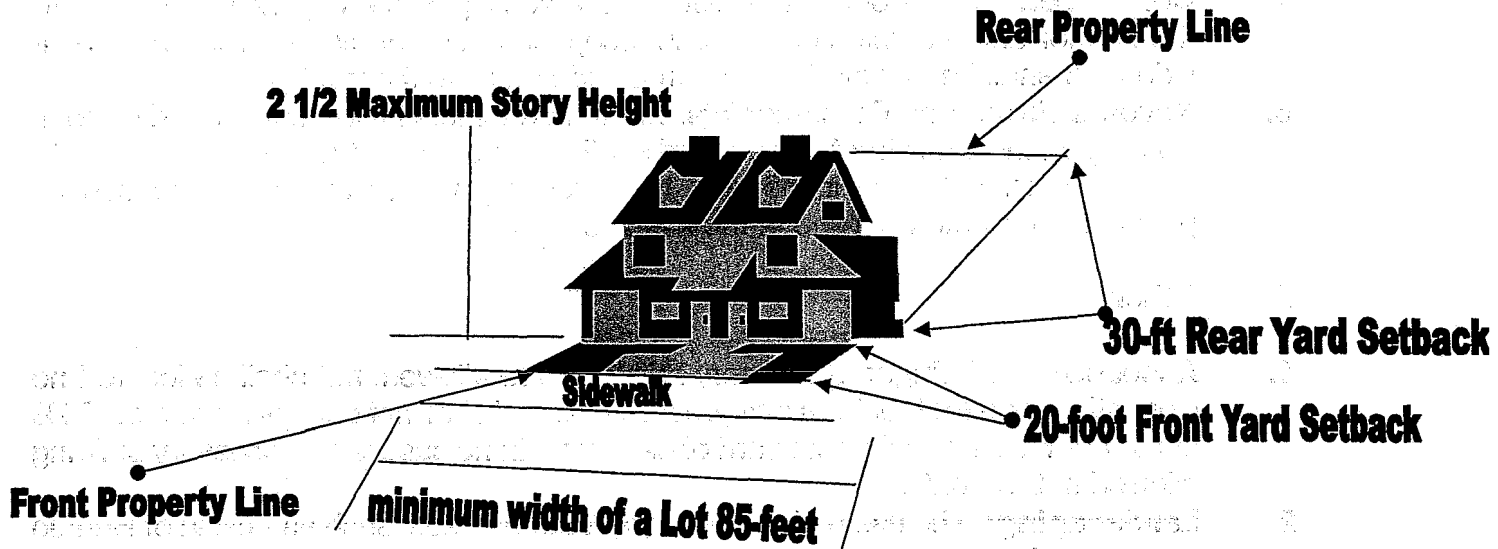
C. Setbacks

1. **Front Yard:** There shall be a minimum front yard of twenty (20) feet shall be provided.
2. **Rear Yard:** There shall be a minimum of thirty (30) feet shall be provided.
3. **Side Yard:** There shall be a minimum of five (5) feet shall be provided on each side, except on corner lots the external side shall be not less than twenty (20) feet.

CONTINUED - 30.607 "R-2" TWO-FAMILY DWELLING

4. **Corner Lot:** Where lots abut on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees, a side yard shall be provided on the street side equal to the front yard.
 5. **Reverse Frontage:** On corner lots, where interior lots have been platted or sold, fronting on the side street, a side yard shall be provided on the street side equal to the front yard on the lots in the rear. No accessory building on said corner lot shall project beyond the front line of the lots in the rear.
- D. Other**
1. **Accessory Buildings:** Accessory buildings are allowed, but shall be located no closer than five (5) feet from any property line and shall not occupy more than 25% of the open space in the rear yard of each unit. In no case is an accessory building allowed in the front yard.
 2. **Landscaping:** The use of drought tolerant turf grasses, such as Zoysia or Buffalo tif or combination, or other drought tolerant plantings and hardscape is strongly recommended.
 3. **Lighting:** All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lights affixed to buildings shall be mounted no higher than the eaves of said buildings. Lights affixed to a pole shall be mounted no higher than 40% of the distance from the front property line to the main structure.
 4. **Masonry Required:** Masonry or other similar noncombustible materials to the extent of not less than seventy-five (75) percent of overall exterior walls.
 5. **Nonconforming Structures:** The provisions of floor space and masonry above shall not be applicable to nonconforming dwellings in existence on the date of the adoption thereof or to dwellings built hereafter on the same lot to replace such nonconforming dwellings as may be destroyed by fire, windstorm or other involuntary cause.
 6. **Parking:** Two off-street parking spaces shall be provided for each separate unit in the structure.
 7. **Public Facilities:** Each lot shall be connected to the City's public water and sewer system and shall have appropriate sidewalks and fire protection. See Chapter 24, "Subdivision and Subdivision Plats."
 8. **Storage:** Outside storage is not allowed in the R-2 district, with the exception of vehicles, trailers, recreational vehicles and boats in accordance with Chapter 14, of Leon Valley City Code. Items to be stored must be completely contained in either the main structure, garage or an accessory building.

Figure 2 (R-2 Two-Family Dwelling)



30.608 "R-3" MULTIPLE-FAMILY DWELLING DISTRICT**A. Purpose and Description**

The R-3 district is composed of areas containing multiple-family dwellings. The district regulations are designed to: (1) protect the residential character of the area by prohibiting commercial and industrial activities and manufactured homes; (2) encourage a suitable neighborhood environment; (3) prevent overcrowding of the land by requiring certain minimum yard and other open spaces for all buildings; (4) avoid excessive population density by requiring a certain minimum building site area for each building unit; and (5) provide a buffer between retail and single-family dwelling areas.

The R-3 district implements the following policies of the Master Plan:

- Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure.
- Encourage connectivity throughout the City.

B. Lot Regulations

1. **Area:** A lot on which there is erected or converted a multiple-family dwelling shall contain an area of not less than 10,400 square feet for the first three (3) units and 1,200 square feet for each additional unit.
2. **Depth:** Minimum of 120 feet.
3. **Floor Space:** Minimum of 600 square feet.
4. **Frontage:** A minimum frontage of 95 feet is required along a public right-of-way.
5. **Height:** A maximum of three stories is allowed in the R-3 district.
6. **Density:** The number of units per acre shall not exceed ten (10). Apartment house areas shall in no case consist of more than twenty percent (20%) of the total lot area.

C. Setback Requirements

1. **Front Yard:** There shall be a front yard having a minimum of 20 feet from the property line to the building structure.
2. **Rear Yard:** There shall be a rear yard having a minimum of 25 feet from the structure to the rear property line.
3. **Side Yard:** There shall be a side yard having a minimum of ten (10) feet from the structure to the side property line.
4. **Vision Clearance Area:** On any corner lot no wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be maintained within the triangular area formed by the intersecting street lines and a straight line connecting

CONTINUED - 30.608 "R-3" MULTIPLE-FAMILY DWELLING DISTRICT

such property lines at points twenty-five (25) feet from the point of intersection, measured along such street lines.

5. **Building Distance:** The required space between buildings is fifteen (15) feet.

D. Other

1. **Accessory Buildings:** Accessory buildings shall in no case consist of more than twenty percent (20%) of the total lot area.

2. **Landscaping:** A total of 35% of the total overall area must be landscaped and not less than five percent (5%) of the R-3 area shall be covered by plantings and amenities other than sod, subject to the approval of the City. The use of drought tolerant turf grasses, such as Zoysia or Buffalo tif or combination, or other drought tolerant plantings and hardscape is strongly recommended. See "Appendix A" for a list of trees, shrubs and plants suitable for the region. Also see Landscaping Section 30.900, for other applicable regulations.

3. **Lighting:** All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lights affixed to the buildings shall be mounted no higher than the eaves of said building. Lights affixed to a pole shall be mounted no higher than 40% of the distance from the front property line to the main structure.

4. **Masonry Required:** Multiple-family dwellings shall be constructed of masonry or similar noncombustible materials to the extent of not less than seventy-five (75) percent of overall exterior walls.

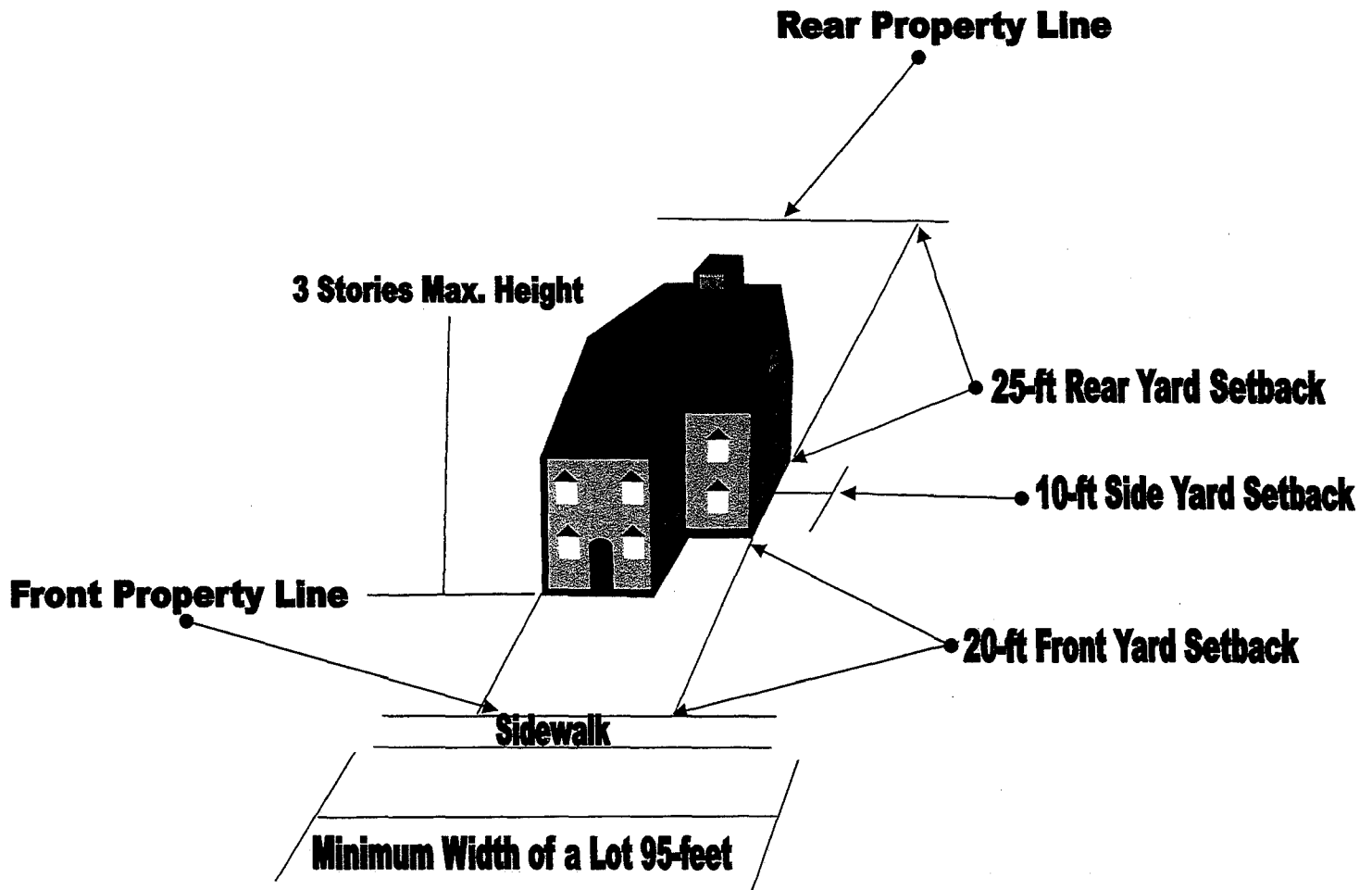
5. **Nonconforming Structures:** The provisions of subsection B above shall not be applicable to nonconforming dwellings in existence on the date of the adoption thereof or to dwellings built hereafter on the same lot to replace such nonconforming dwellings as may be destroyed by fire, windstorm or other involuntary cause.

6. **Parking:** A minimum of one (1) space for each one bedroom unit, two (2) spaces for each two bedroom unit and one (1) space for each additional unit shall be provided.

7. **Public Facilities:** Each lot shall be connected to the City's public water and sewer system and shall have appropriate sidewalks and fire protection. See Chapter 24, "Subdivision and Subdivision Plats."

8. **Storage:** Outside storage is not allowed in the R-3 district, with the exception of vehicles, trailers, recreational vehicles and boats in accordance with Chapter 14, of Leon Valley City Code. Items to be stored must be completely contained in either the apartment units, garages or accessory buildings.

Figure 3 (R-3 Multiple-Family Dwelling)



30.609 R-3A MULTIPLE-FAMILY RETIREMENT DISTRICT**A. Purpose and Description**

The R-3A Multiple Family Retirement District is designed for more planned developments consisting of at least five acres, containing one or more residential clusters of cottages or apartment houses or a combination thereof, and appurtenant common areas, intended for rental or leasing to individuals of retirement age (seniors). The R-3A district implements the policies of the Master Plan by 1) protecting the residential character of the area by prohibiting commercial and industrial activities and manufactured homes; 2) encourage a suitable neighborhood environment; 3) prevent overcrowding of the land by requiring certain minimum square footage standards for all buildings; 4) avoiding excessive population density by requiring a certain minimum site area for each retirement community; and 5) protecting the community resources in light of increased housing demands for seniors.

B. Lot Regulations

1. **Area:** Not less than five acres will be zoned or used for an R-3A Multiple-Family Retirement Community. Except that one hundred percent (100%) of the area zoned R-3A may be used for R-1 or R-6, to the extent that either: 1) all of the R-3A area is used, or 2) no less than 5 acres of R-3A area remains for use as R-3A.
2. **Density:** In any cottage area of the R-3A zone, the number of units per acre shall not exceed ten (10). For apartment house areas of the R-3A zone, the requirement of R-3 Multi-family Dwellings shall apply. Apartment house areas shall in no case consist of more than twenty percent (20%) of the total lot area.
3. **Depth:** A minimum of 120 feet.
4. **Floor Space:** For cottages there shall be a heated living area of not less than 850 square feet and not more than 1,500 square feet per unit.
5. **Frontage:** There shall be a minimum lot frontage of 95 feet on a public right-of-way.
6. **Reverse Frontage:** On corner lots where interior lots have been platted or sold, fronting on the side streets, a side yard shall be provided on the side street equal to the front yard on the lots in the rear. No accessory building on said corner lot shall project beyond the front line of the lots in the rear.
7. **Double Frontage:** Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
8. **Height:** No cottage shall exceed one standard story in height. No apartment buildings shall exceed three standard stories in height.

C. Setback Requirements

1. **Front Yard:** There shall be a front yard having a minimum depth of thirty (30) feet, except as hereinafter provided.

CONTINUED - 30.609 R-3A MULTIPLE-FAMILY RETIREMENT DISTRICT

2. **Rear Yard:** There shall be a rear yard having a minimum depth of thirty (30) feet.
 3. **Side Yard:** There shall be a side yard on each side of all lots of not less than ten (10) feet.
 4. **Corner Lot:** On corner lots the external side yard shall be not less than twenty (20) feet.
 5. **Building Distance:** The required space between buildings is fifteen (15) feet.
- D. **Other**
1. **Accessory Buildings:** Accessory buildings shall in no case consist of more than twenty percent (20%) of the total lot area.
 2. **Landscaping:** A total of not less than thirty five percent (35%) of the total overall area, and not less than five percent (5%) of the R-3A area shall be covered by plantings and amenities other than sod, subject to the approval of the City, must be landscaped. The use of drought tolerant turf grasses, such as Zoysia or Buffalo tif or combination, or other drought tolerant plantings and hardscape is strongly recommended. See "Appendix A" for a list of trees, shrubs and plants suitable for the region. Also see Section 30.900 of the landscaping regulations for other applicable regulations.
 3. **Lighting:** All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lights affixed to the buildings shall be mounted no higher than the eaves of said building. Lights affixed to a pole shall be mounted no higher than 40% of the distance from the front property line to the main structure.
 4. **Masonry Required:** Cottages shall be constructed of masonry to the extent of not less than seventy-five percent (75%) of overall exterior walls
 5. **Nonconforming Structures:** The provisions of the above shall not be applicable to nonconforming dwellings in existence on the date of the adoption thereof or to dwellings built hereafter on the same lot to replace such nonconforming dwellings as may be destroyed by fire, windstorm or other involuntary cause.
 6. **Parking:** A minimum of two (2) spaces for each two bedroom unit and one (1) for each additional bedroom unit shall be provided.
 7. **Public Facilities:** All R-3A developments shall be connected to the City's water and sewer system and shall provide sidewalks and fire protection. See Chapter 24, "Subdivisions and Subdivision Plats".
 8. **Storage:** Outside storage is not allowed in the R-3A district, with the exception of vehicles, trailers, recreational vehicles and boats in accordance with Leon Valley City Code. Items to be stored must be completely contained in either a living unit, garage or an accessory building.

Figure 4 (R-3A Multiple-Family Retirement)

